

PACIFIC RACEWAYS ANNUAL PUBLIC MEETING

AUBURN, WASHINGTON

OCTOBER 13, 2010

JOHN STARBARD: Good evening. It's straight up, it's 6:00. So we're going to get started. Thank you for attending this evening. My name is John Starbard. I am the director of Development and Environmental services for King County. And it's our department that has the responsibility of keeping the Conditional Use Permit for Pacific raceways.

I just wanted to make a few introductory remarks. And do you -- do you all have a copy of the agenda? Some yeses. Okay.

First, I want to state up front that I'm aware that we have residents near Pacific Raceways who have been there since the 1950s. And I'm aware that many of you in the audience have been there for years, if not decades, and that you care about this issue, and you have, over time, made your observations, and you have collected documents.

And I -- I'd like to also state that I've been with King County, not only this department, but King County, only since March 1st, for seven months. So this is to acknowledge right up front that I admit that many of you have more information about this than I do. So I'll give you permission that if I make a statement this evening that isn't quite correct, you don't need to throw rotten fruit, you can just make

your statement at the -- at the microphone during public comment.

The purpose of this meeting is defined in the Conditional Use Permit that stems from 1984. And it said that on an annual basis, before October 15th of the year, we will conduct a community meeting to review the compliance with the Conditional Use Permit and any problems of operation. And so that's technically the purpose of this meeting.

But we also just want to make sure that you have an opportunity to hear what's going on at the track over the last season, any expectations that the owners wish to share about the future, and more importantly, that you have a chance to voice your statements or ask your questions about the Conditional Use Permit and the -- and the track operations.

So the agenda will start with Mr. Jason Fiorito who will provide a review of the 2010 season just ended. I believe that discusses some -- some of the maybe preliminary or proposed quiet days for 2011. And Mr. Fiorito also brought a chart which also indicates to me he might talk about expansion plans for the track.

I will then talk about the status of the Notice of Violation that we issued to Pacific Raceways

1 in July.

2 And those items are slated to take about 40
3 minutes. So the balance of the meeting -- we've
4 budgeted an hour and 20 minutes -- is to listen to
5 you. We've tried to give some structure to the
6 meeting, and so we chose to say that each speaker will
7 have three minutes, because we want to give everybody
8 who wants to speak tonight the opportunity to do so.

9 But as I was asked at the beginning of this
10 meeting, If we get through everybody in the room, and
11 I'd like to say some more at the end, is that going to
12 be okay? And I said yes, because this really isn't a
13 public hearing. It's -- we want to hear from you.
14 We've added little structures to be fair to everybody.
15 But if there's time left before 8:00, you're certainly
16 welcome to take another shot.

17 So before I turn it over to Mr. Fiorito, are
18 there any preliminary questions? Yes, ma'am.

19 FEMALE SPEAKER: Can we move that over there
20 so we can see the speaker's face while they're
21 talking?

22 JOHN STARBARD: The microphone?

23 FEMALE SPEAKER: Yeah, the microphone's going
24 to come in the middle. I think it'd be better over
25 here.

1 JOHN STARBARD: Oh, yeah, to -- the gentleman
2 here -- you're with -- is with the college. He's our
3 audiographer.

4 FEMALE SPEAKER: Okay.

5 JOHN STARBARD: And so he's very good. And
6 he'll deal with that.

7 FEMALE SPEAKER: Thank you.

8 JOHN STARBARD: Thanks.

9 JASON FIORITO: Thanks, John. I think at
10 least some of you know me. My name's Jason Fiorito.
11 I'm the President of Pacific Raceways and have been
12 there since 2002 when my family took back over
13 operation of the track after about a -- oh, a 40-year
14 lease or so with different lessees.

15 So the 2010 racing season was not a lot
16 different from any racing season from 2002 on under
17 which the track was in my control, except for that we
18 have a lot less business. I mean, economic times have
19 been hard on everybody. And for the second year in a
20 row, we've taken a pretty decent economic hit. So
21 national event attendance was down. Road course usage
22 was down.

23 We've had to go through and reorganize our
24 pricing for 2011 to reflect the fact that a lot of our
25 clubs are struggling. But generally speaking, the

1 schedule was very similar to what it was in 2009. And
2 the events, you know, started and finished.

3 So weather was a big factor in drag racing
4 this year. We rained out the first probably close to
5 ten events. So normally a 12-race schedule was down
6 to about four or five races. We got rid of a lot of
7 our Wednesday night Test and Tunes you may have
8 noticed, because they just weren't doing very well.
9 There wasn't the car count that enabled us to operate
10 those profitably. So you may have noticed that a lot
11 of the Wednesday nights were quieter than they have
12 been in the past. And that's just simply a function
13 of, you know, tight economic times.

14 So I think in terms of the actual operation
15 of the track, there wasn't a heck of a lot different
16 than went on the year before except for there was a
17 little bit less activity.

18 In terms of the -- you know, I think probably
19 what most folks are here to weigh in on, as well as
20 myself, is the quiet day issue. And we had quiet days
21 as we've operated in the past, similarly, last year.

22 We did have one instance when I think Leah
23 gave me a call and said that there was some louder
24 than normal bikes on the track. And I did check, and
25 during that day, there was a group operating that had

1 some nonstreet legal bikes. And we addressed that as
2 quickly as we could. And I think they were off by
3 noon. So we made an attempt to adhere to our
4 interpretation and how historically the quiet days
5 have been interpreted. And when we were shown that we
6 were, you know, in violation of that on that day, we
7 took care of it as quickly as we could.

8 So in an effort, you know, to be a good
9 neighbor, as we see it, and also try to run a
10 profitable business, 2011 quiet days are scheduled
11 similarly as 2010.

12 You know, this issue has come up over the
13 last 30 years, basically since the inception of the
14 Conditional Use Permit. And if you follow the
15 paperwork, as we've done, there's been some pretty
16 clear direction, pretty clear interpretation and
17 pretty clear enforcement of this issue over the years.

18 I think John handed out an agenda followed by
19 some historic paperwork. But, you know, we've done
20 the same thing and gone through and really tried to
21 get our arms around and our minds around what we are
22 and are not allowed to do on Mondays, Tuesdays and
23 weekdays. So essentially, this dates back to the
24 '80s, in which the former operator asked of the
25 Department what was legal and was told that, in

1 writing, muffled vehicles are not impacting.

2 And then this issue came up again in 1992
3 when the hearings examiner then negotiated the
4 Conditional Use Permit between the then operator of
5 SIR and the neighborhood and the agency. And he came
6 up with some wording, "Nonimpacting. Quiet,
7 nonimpacting."

8 So that language was taken by a gentleman
9 named Greg Borba, the then CUP coordinator for the
10 County. And he came out in an effort to define "quiet
11 and nonimpacting" and took some noise readings during
12 quiet days at the track, both when activities weren't
13 in -- in -- when the track wasn't in use and when the
14 track was in use. And it was his conclusion that
15 although track activities could be heard in the
16 surrounding neighborhoods, that they fell within the
17 quote, unquote, "ambient noise level," normal noise
18 level for the neighborhood, and therefore, those
19 activities were allowed.

20 So this issue was kind of addressed,
21 interpreted and then enforced from 1992 until present,
22 up until about 2006, the latest correspondence that we
23 could find that addressed the issue was from Matt
24 Kaski (phonetic spelling), the then CUP coordinator
25 for the County, who wrote a letter, an email, that

1 said that -- by agreement between the track and the
2 County, that "quiet and nonimpacting" meant muffled
3 vehicles and that the County had taken similar views
4 of those activities on weekends as well as the Mondays
5 and Tuesdays.

6 So understandably, as a neighbor, you know,
7 you want some quiet days off. And I understand that,
8 and I empathize with that. I hope you understand,
9 from a business owner's perspective, we're talking
10 about close to 30 percent of my revenue-producing days
11 when we're talking about Mondays and Tuesdays. Two
12 days out of the week and then one additional day a
13 month pushes 9 to 11 days a month, depending on how
14 many weeks fall in any given month.

15 So, you know, from my perspective and my
16 seat, to take close to 30 percent of my
17 revenue-producing days, that I've had the ability to
18 run on for the last 30 years by express consent from
19 the County, and wipe them off the table really starts
20 taking a business that's already struggling and makes
21 it economically not viable.

22 One of the gentlemen sitting right next to me
23 is Don Kitch who is the owner of the ProFormance
24 driving school, who not only sits mainly on those
25 Mondays and Tuesdays, but also is the founder of Team

1 Seattle that, if you follow the papers at all, is
2 responsible for literally millions of dollars being
3 donated to the Children's Hospital every year.

4 And essentially, if we wipe Mondays and
5 Tuesdays and weekend days off the table, we've taken a
6 business owned by Mr. Kitch, that provides regional
7 economic and social benefits, and puts him out of
8 business. Those are the only days he can afford
9 because those are cheaper days. You get to make less
10 noise on those days. And if you wipe Mr. Kitch off
11 the map, that essentially takes Team Seattle and shuts
12 it down.

13 So, you know, we may be passionate about this
14 subject, and it's not because we don't care that it
15 impacts the neighborhood. It's because it makes
16 businesses not viable if we talk about taking the
17 interpretation and enforcement of a rule over the last
18 30 years and unilaterally changes it so that
19 essentially 30 percent of my revenue-producing days
20 are gone and almost a hundred percent of the days
21 utilized by Mr. Kitch are gone.

22 We feel like although there are negative
23 impacts of racetracks in the community, namely noise
24 and traffic, that the social and economic benefits, I
25 guess unless you're one of you folks that live right

1 next to it, is worth it. And we're talking about tens
2 of millions of dollars of economic impact. We're
3 talking about an entire industry that survives because
4 of the track. And we're talking about literally
5 thousands of jobs.

6 So if the community is successful in what you
7 are trying to accomplish, and you gain a victory here,
8 it will come at the cost of tens of millions of
9 dollars of economic impact, thousands of jobs and
10 literally millions of dollars out of the Children's
11 Hospital coffer.

12 So I hope when you weigh in, you assess both
13 the positive aspects of what you're trying to
14 accomplish and the costs of what you're trying to
15 accomplish, because a victory, as you define it right
16 now, comes at a pretty significant cost.

17 And as a business owner, I hope you
18 understand that from my seat, the survival of my
19 business, the survival of Mr. Kitch's business and
20 survival of an entire racing industry in Western
21 Washington is at stake here. And I empathize with
22 your position and don't blame you for fighting for
23 your property values. I hope you understand and
24 empathize with my position as a business owner and
25 somebody that's trying to perpetuate an industry that,

1 if you were sitting in my seat, you may be looking at
2 things similarly.

3 I think we have very solid legal ground on
4 which to base our arguments. I think we've got 30
5 years of interpretation and enforcement on which to
6 base our argument. And I think we have some solid
7 economic and social arguments on which to base our
8 argument.

9 So, you know, from my seat, I have no ill
10 will towards anybody that's fighting for something
11 they believe in, and I know there's some passion
12 and -- and, you know, the quiet enjoyment of your
13 property that you're fighting for. I am fighting for
14 an industry, you know, the right to be philanthropical
15 when we can and what we believe are very significant
16 economic and social benefits.

17 So in terms of how we're planning on
18 scheduling the quiet days next year, they will be
19 scheduled, barring, you know, losing an argument in
20 court.

21 And from a business owner's perspective, I
22 have to follow this argument right down to the end. I
23 cannot voluntarily just shut down my business. And
24 essentially, if I wipe out those quiet days and have
25 no activities, that's what it means.

1 And I don't know if, Don, you have anything
2 to say, but, you know --

3 DON KITCH: I would only -- I would only
4 comment, I -- (inaudible) comment. I would only
5 comment, I have been involved in this facility for 30
6 years. I started an amateur racing career at the
7 Pacific Raceway 30 years ago. And 15 years ago -- no,
8 almost 20 years ago, my wife Donna and I formed the
9 ProFormance Racing School. And while we call
10 ourselves a racing school, because racing is my
11 background, and it's sexy, and it sells, at the end of
12 the day, we are advanced -- involved in advanced
13 driver education.

14 We're a very, very diversified school. We do
15 everything from executive protection and apprehension
16 training programs. We're very involved with some of
17 the training that's going on down in Mexico right now
18 regarding executive apprehension of tourists and
19 visitors to the country of Mexico as well now. Our
20 team streets, our viable skills clinics, our new car
21 buyer clinics for the dealerships, helping people
22 better understand what they bought, how to fully enjoy
23 it, stay safe in it.

24 We do a lot of work with television.
25 Yesterday I was out there at KOMO5, doing a piece on a

1 new device called Safe Driver. It's a way to -- I
2 call it the teen driver chaperone. It's a way for mom
3 and dad to keep an eye on teen drivers. Obviously,
4 DMV's estimating 6,000 teen fatalities in our country
5 this year. 6,000. And it's not the street racing and
6 not the alcohol that's killing these kids. What's
7 killing these kids is they have no driver ed program
8 nationally. And we're providing that in our teen
9 driver street survival skills clinics, our
10 high-performance driving recreational sport driving.
11 So the school is very diversified.

12 And when we refer to "racetrack," and we
13 refer to "racing," we seem to focus on strictly that
14 element.

15 There is a tremendous amount the school is
16 doing in addition to -- you know, and obviously, the
17 school was the backbone and the launching pad for Team
18 Seattle which is the third largest guild Children's
19 Hospital has. My wife and I formed it. We promote it
20 and push it through the school. All of our supporters
21 came from the school. \$4.5 million I've generated
22 with this racing team. And above and beyond that,
23 \$37 million has come out of Pacific Raceways for
24 Seattle Children's Hospital through the racing
25 community.

1 So I guess what I would say to you is
2 we're -- we're good neighbors. We do more than race.
3 We do provide a service to the community. And as
4 Jason mentioned, the financial impact of putting my
5 company out of business, I mean, we fill your hotels
6 in the area, we fill your restaurants, we fill your
7 gas stations, because a tremendous number of our
8 participants come from out of this area. And they
9 leave money here.

10 I have a staff of 15 to 20 instructors who
11 would be unemployed. I just don't know that this is
12 the time that we should be putting companies out of
13 business. I just -- I think right now we should be
14 promoting business.

15 So I just wanted to make those comments to
16 you to help you better understand. I've been with
17 this racetrack for 30 years. I clearly understand how
18 we are to operate on Mondays and Tuesdays. And if
19 there's deviation from that, I know it and clean it up
20 before anybody does because I'm the officer on the
21 deck. And I know what you want. And I know what
22 we're supposed to be doing and what we're not supposed
23 to be doing. So --

24 JOHN STARBARD: Jason, that's remarkable
25 timing.

1 We've had quite a number of contacts from the
2 neighbors from your -- from you and your neighbors
3 asking us to do something to enforce the quiet days
4 that are cited in the Conditional Use Permit. Monday
5 and Tuesday quiet days and five quiet -- five quiet
6 weekend days during the racing season.

7 And during the summer, we were contacted at
8 least once, if not by more than one party, to say we
9 believe that the racetrack is violating its hours of
10 operation, that it is operating improperly on Mondays
11 and Tuesdays, particularly the shift cart track. And
12 one other issue, and the Saturday and Sunday days were
13 not posted, the quiet -- five quiet weekend days
14 during the season.

15 So we issued violation letters and a notice
16 and -- a notice and order to Pacific Raceways to say
17 we've had these complaints, and you need to respond to
18 them. You need to not operate on Mondays and
19 Tuesdays. Or you need to be consistent on your
20 Mondays and Tuesdays operations. With the Conditional
21 Use Permit, you can't operate beyond your allowed
22 business hours.

23 And I believe there was also a complaint
24 about overnight camping. Wasn't that part of it?
25 Yeah. And Pacific Raceways responded within the

1 required number of days and said, We will operate
2 within our hours -- established hours of operation. If
3 the shift cart track is operating on Mondays and
4 Tuesdays in violation of their permit, please help us
5 by contacting the operator of the shift cart track
6 which is not Pacific Raceways, but another company
7 that leases from Pacific Raceways, and that there is
8 not camping on the site.

9 Further, the response from Pacific Raceways
10 made an argument, similar to what Mr. Fiorito just
11 stated, about Pacific Raceways' understanding of what
12 is allowed on Mondays and Tuesdays. And where it
13 stands at this point is that we are evaluating what
14 Pacific Raceway said in response to the Mondays and
15 Tuesday -- Monday and Tuesday quiet days.

16 As I said -- and we provided copies of that
17 letter in the materials that are available. The
18 letter is dated July 29th from the law firm Cairncross
19 & Hempelmann. And it's addressed to Jim Chan.

20 In the seven months that I've been here, the
21 number of contacts that we've had from your
22 neighborhood and the points that you have made have,
23 at a minimum, caused me to question -- to question the
24 Conditional Use Permit. You've made some good points.
25 Mr. Fiorito has made some good points. And so we're

1 evaluating how to respond to Pacific Raceway's letter
2 from late in the summer. And that's as much as I can
3 say about that right now.

4 So do you have any questions about where the
5 notice and order stands?

6 FEMALE SPEAKER: How long are you going to be
7 looking at it? I mean, one year, two years, three
8 months, what?

9 JOHN STARBARD: I think that the period that
10 we're in right now, when the racing season that's
11 stopped and before the new one begins, is a good one
12 to really dig into it and better understand it.

13 Yes, sir.

14 MALE SPEAKER: I think that that letter
15 mentions a noise study that is going to take place.
16 And is that going to be wrapped up by that time? I
17 mean, the way that I understand quiet days is they're
18 quiet. The ambient noise that -- and then you don't
19 hear anything. I mean, you might hear a chainsaw
20 going on or something like that. But if the raceway
21 is going, you'll hear noise. And that's not quiet.
22 So if there is decibel levels or something to
23 understand, is that noise thing going to be done?

24 JOHN STARBARD: Let me just do -- sir, our
25 audiographer, were you able to pick up his -- okay.

1 Just want to make sure that we don't have any
2 corruption of the recorded proceedings because they're
3 (unintelligible).

4 We did contact a firm to conduct a noise
5 study in the area. They've collected their
6 preliminary data. And I believe that the report
7 should be finalized probably no later than this coming
8 Monday. And I -- I think that one of the outcomes of
9 that will be to establish, from a properly licensed
10 professional, what the ambient level is in the area.

11 MALE SPEAKER: Can we get the results of this
12 kind of thing and anything that's on this posted on a
13 website so it's easy to get to?

14 JOHN STARBARD: Yes. When reports finalize,
15 because we want to give the firm a chance to make sure
16 that they are comfortable with their final report,
17 we've talked about that in the Department as well.
18 Should we mail it to people, or why don't we just post
19 it? And so that -- I'm very technically unsavvy, but
20 I think we can find -- it will be posted.

21 FEMALE SPEAKER: I'm coming in a bit late, so
22 I haven't had a chance to really catch up on a lot of
23 the details. But I've got a couple of questions. I
24 was given something by someone else here, not so much
25 about the CUP, but I understand you guys are looking

1 to expand the racetrack, and so that's part of what's
2 going on with DDES right now.

3 And I'm looking over some of these items that
4 are on here that are a requirement. It's not part of
5 your packet -- in regards to what you guys are looking
6 to do, like setbacks, critical area, regulations and
7 so on. Does this fall under the requirements for
8 DDES, you need to post it, you need to notify the
9 neighbors and that there is an opportunity for an
10 appeal process in front of a hearing examiner?

11 JOHN STARBARD: Are you addressing two items?
12 One is --

13 FEMALE SPEAKER: In relation to the expansion
14 of the racetrack and the variances, what appear to me
15 to be variances that are being requested to be able to
16 expand, I'm wondering if notification has been done or
17 will be done through the mailing process to neighbors
18 within a certain mileage requirement. And also, will
19 the appeal process be available in case the public
20 wants to appeal and be seen in front of a hearing
21 examiner?

22 JOHN STARBARD: What I understand has been
23 done so far is that legislation was introduced at the
24 King County Council. And as I would summarize it, the
25 legislation would be to make a use like Pacific

1 Raceways an outright permitted use, that a Conditional
2 Use Permit would no longer be required, but it would
3 be -- it would be allowed in the zoning. That was
4 introduced maybe in April of this year. And I'm
5 unaware of any action that's been taken on it. It --
6 the legislative process at the King County Council is,
7 in some ways, kind of similar to the state legislative
8 process, so --

9 FEMALE SPEAKER: Slow? (Unintelligible.)

10 JOHN STARBARD: (Unintelligible.) I --
11 legislation is introduced, and then it either waits
12 around for a while, or it's referred to a committee
13 or -- I'm aware, and Tim Hatley is here, and maybe
14 he's been following that. Nothing beyond the
15 legislation being introduced has been done.

16 MALE SPEAKER: Yes. The legislation has
17 simply been introduced. There's been no hearings
18 scheduled at this point.

19 FEMALE SPEAKER: Okay. And so this is a
20 little bit different track than I'm used to. So it
21 sounds like, you know, you're following a different
22 track. But since there are variances based on what
23 I'm looking at, which is not the CUP that you're
24 looking to get rid of, but in regards to variances
25 against environmental laws and other items, I would

1 think that that would still be seen before a DDES.

2 JOHN STARBARD: Just to correct one
3 statement. Actually, DDES and the County are not
4 proposing the legislation. The legislation --

5 FEMALE SPEAKER: No, I understand that.

6 JOHN STARBARD: Yes. And so we're --

7 FEMALE SPEAKER: But you still have to
8 respond to it. I'm sorry.

9 JOHN STARBARD: Correct. Correct. So the
10 Department's not seeking to get rid of the Conditional
11 Use Permit.

12 FEMALE SPEAKER: I understand.

13 JOHN STARBARD: And so I responded to that.
14 What was your question, actually, your final -- your
15 most recent question?

16 FEMALE SPEAKER: Outside the legislative
17 process, would there not be a requirement for the
18 request for variances go forward through the DDES
19 department, and through there, usually when there are
20 variances being requested, there is a notification and
21 opportunity for appeal process for the public?

22 JOHN STARBARD: If it is new legislation that
23 is proposed by the council, it would be a council
24 process. And its committee structure then would
25 shepherd that. It wouldn't be a DDES process.

1 FEMALE SPEAKER: Mm-hmm.

2 JOHN STARBARD: So it's not like some -- it
3 would not be, Jim, like someone applying for a
4 variance to us, which is a responsibility that our
5 department has, but it would be seeking from whole
6 cloth just a new definition of what is permitted on
7 that property. And that would be a legislative
8 action.

9 FEMALE SPEAKER: Okay.

10 FEMALE SPEAKER: We actually have three
11 different questions.

12 JOHN STARBARD: Yes.

13 FEMALE SPEAKER: When you -- you mentioned
14 "area" several times (unintelligible). I just want a
15 clarification.

16 MS. ORTIZ: Well, we need to capture it so
17 that we can have it recorded if everybody wants
18 (unintelligible).

19 FEMALE SPEAKER: Okay. I may have missed
20 this. But when you are saying, "area," may I ask how
21 big is that area? Because I don't live right next to
22 the raceway, but the noise level at my house is quite
23 large. And so I -- when you're saying that someone
24 came and took noise level measurements, is it just at
25 the raceway that they're taking those noise level --

1 or where are they going to take those?

2 JOHN STARBARD: There were four locations
3 selected. One was actually on the west side of
4 Highway 18. One was near the entrance of the raceway.
5 One was off Auburn Black Diamond Road. And another
6 was at a residence immediately south of the raceway, a
7 private property adjacent to the raceway.

8 FEMALE SPEAKER: That's (unintelligible)
9 general.

10 JOHN STARBARD: So one was about over here.
11 Can you see that? So one was on the west side of
12 Highway 18, generally around here. One was in this
13 area. One was down here, in this area, a private
14 single family home in this area. And then the fourth
15 was off Auburn Black Diamond Road. Do you know a
16 cross-street?

17 FEMALE SPEAKER: (Inaudible.)

18 JOHN STARBARD: Auburn Black Diamond, near
19 the Washington National Golf Course.

20 And Mr. Fiorito raised a good point which is
21 on the agenda. We have a few moments scheduled for
22 his overview of expansion plans. The public --

23 FEMALE SPEAKER: (Unintelligible.)

24 FEMALE SPEAKER: No. He has ten minutes to
25 do his expansion proposal.

1 JOHN STARBARD: If -- if we agree to start
2 the public comment at 6:40, are you okay with having a
3 little -- a few words about the expansion plans?

4 FEMALE SPEAKER: (Inaudible.)

5 JOHN STARBARD: Okay.

6 JASON FIORITO: Thanks, John. And, you know,
7 generally speaking, I don't think this is a required
8 part of the meeting. It's something I'm willing to do
9 for, you know, the benefit of full disclosure and
10 knowledge of the folks in the room. So I guess, you
11 know, if you don't want me to, then I'm happy not to,
12 because, you know, it --

13 But essentially, this is an aerial photo of
14 what we're proposing. And I think many of you have a
15 copy of the introduced legislation. So I just wanted
16 to be specific about the quote, unquote, "variances"
17 that we're asking for in terms of what we will be
18 proposing, and a small explanation of why we're
19 proposing that.

20 There has been reference to sensitive area or
21 wetlands mitigation requirement. And essentially,
22 what we're talking about is a road course right now
23 that is only certified essentially for club uses.
24 It's in a professional road course. It is incapable,
25 in terms of current safety standards, from hosting a

1 professional race.

2 In order to certify a racetrack, what you
3 need is runout area. When professional race cars
4 leave the racecourse, they don't like to run into
5 marshes. They don't like to run into trees. They
6 don't like to run into banks. What they like is to
7 leave the racing surface and then get back on the
8 racing surface safely.

9 So the white area around the racecourse is
10 proposed expansion of runout area to accommodate
11 professional cars and accommodate club cars more
12 safely because this racing surface was designed in
13 1958, built in '58 and '59, when cars had a hundred
14 horsepower and went 80 miles an hour. Now cars are
15 going upwards of 240 miles an hour. It's less safe
16 than it was back when it was designed.

17 There is a small area in this white area
18 right here that is the lowest grade wetland that King
19 County classifies. It's sitting right in the middle
20 of an area I need for runout area. So what we've
21 proposed is being able to build a runout area in this
22 low-grade wetlands and do some on- or off-site
23 mitigation to accommodate the encroachment on that
24 wetland.

25 There is a manufactured steep slope above

1 turns five and six that I need to encroach on a little
2 bit to provide more runout area. So that's the steep
3 slope exemptions I'm looking for so that I can build a
4 retaining wall, build some more runout area there.

5 On the relocated drag strip, I need some pit
6 area. Although there is a steep slope right next to
7 it, I am proposing that the buffer area between the
8 ridge and the parking lot be eliminated and have
9 everything sloped backwards so that no water would
10 ever get over the bank to destabilize it. But I would
11 be able to utilize that area for parking necessary for
12 the relocated drag strip. That's the sensitive area
13 buffer exemptions I'm looking for.

14 And in terms of the industrial buildings,
15 there's a recognition by me as a track operator that
16 racing surfaces don't make any money. How tracks make
17 money in this country is they have a NASCAR event,
18 which we're never going to get, or they build an
19 industrial park, commercial buildings around racing
20 surfaces inhabited by folks that survive because of
21 the racing industry, and they're willing to inhabit
22 those buildings because of the proximity of the racing
23 surfaces. So what we've looked at in terms of
24 sustainability is the creation of about a million
25 square feet of industrial space.

1 The last exemption we're looking for is the
2 right to encroach on a landscape buffer with about
3 250,000 square feet of building so that we can
4 shoehorn essentially as much building space onto the
5 property to ensure stability and sustainability as we
6 can.

7 Now, this may look like something that is
8 egregious. But what has been designed into this for
9 the community is noise mitigation. Everything here
10 has been designed with dual purpose, efficiency of
11 property use and noise mitigation to the neighborhood.
12 The proposed oval is about 30 feet down from existing
13 grade. The buildings around it provide a 30-foot
14 noise attenuation wall so that the noise is directed
15 up. The buildings in between the proposed drag strip
16 and the community provide noise mitigation. The --
17 there is an ability to build noise mitigation walls on
18 the bottom side of the track.

19 So the legislation we're proposing allows us
20 to build what we want to build, potentially, if its
21 approved. It allows us to employ most current
22 technology in terms of noise mitigation. It allows us
23 to excavate the gravel that both provides noise
24 mitigation and infrastructure money. And it
25 establishes a process through which we can get through

1 SEPA and get through the permitting process.

2 So nothing essentially is approved at the end
3 of the legislative action. It just sets a process by
4 which there is public input. There is SEPA review.
5 There's comprehensive environmental review. There's
6 comprehensive drainage review. There's comprehensive
7 noise review. And that is a perfectly transparent and
8 public process.

9 The legislators have assured us that they
10 don't want to take any action that doesn't involve
11 having rooms full of people, neighbors giving input
12 and a comprehensive environmental review in terms of
13 drainage, noise, light, flora and fauna and all the
14 criteria that goes along with SEPA.

15 So that's -- I just wanted to give you a
16 quick overview about the exemptions we're looking for
17 and why and the fact that they're potentially -- if we
18 get any farther in the legislative process, the many
19 opportunities for the community to sit in a room, give
20 their input and look at what will be a very
21 comprehensive SEPA process that ensues.

22 FEMALE SPEAKER: Thank you, Jason.

23 JOHN STARBARD: Well, if you'd -- if you'd
24 like, we have our sign-up sheets, and we'll begin the
25 public comment period. And again, we're not trying to

1 be sticklers or pretend this is a courtroom or
2 something like that. But we will time for three
3 minutes to make sure that everybody who wants to has
4 at least one chance to speak. And Ms. Ortiz will be
5 our timer. And if you wouldn't mind calling people,
6 or you don't have a micro- -- you do have --

7 MS. ORTIZ: Right. And it's not on. But I
8 have it.

9 JOHN STARBARD: (Inaudible.)

10 MS. ORTIZ: Yeah? It's on? Okay. Sandy
11 Gaither will be first to speak. We have a
12 three-minute limitation. Okay. And (unintelligible).

13 SANDY GAITHER: Will this one work?

14 MS. ORTIZ: You can hold that, or you can
15 please stand at the mic, whichever you prefer,
16 whichever you're more comfortable with for the people
17 who will be speaking.

18 SANDY GAITHER: All right. This is fine. Is
19 this a good level? Thank you very much. Pardon me?

20 JOHN STARBARD: (Inaudible.)

21 MS. ORTIZ: You need to turn and face the
22 audience. Two of you want -- unless you're --

23 SANDY GAITHER: All right, fine. So I need
24 to speak a little louder? Is that better? First,
25 Mr. Fiorito, I would like to address you. My only

1 comment is, how dare you? It is with such distress
2 that you plan to place your bottom line and your
3 charitable donations on the backs of homeowners, some
4 of us who predate the racetrack by many, many years.

5 I don't feel your bottom line is my
6 responsibility. I feel that my responsibility is to
7 try to live in my own home, a place my mother has been
8 since 1948. Your disregard for any of us who live
9 with intrusive noise, who live with pollution, stream
10 erosion, hillside erosions, it's an outrage. I don't
11 believe at all that you have tried to be a good
12 neighbor.

13 Tuesdays are quiet days; is that correct?

14 JASON FIORITO: Yes, they are.

15 SANDY GAITHER: What about yesterday? Was
16 that not a Tuesday?

17 JASON FIORITO: Yes, it was.

18 SANDY GAITHER: Since I have only three
19 minutes, I will read a portion of my letter, and the
20 rest, I'll submit. "As we are composing yet another
21 letter to DDES asking that the current Conditional Use
22 Permit be enforced, we again are listening to a loud
23 vehicle running on the lower road track on a Tuesday,
24 supposedly a quiet day which, frankly, we gave up on
25 years ago. The blatant disregard for the CUP rules is

1 an outrage. And more upsetting is the failure of King
2 County to monitor and enforce the standards of
3 operations."

4 Do you deny that there was a car running?

5 JASON FIORITO: Not at all. (Inaudible) in
6 conformance with what we were allowed to do
7 (inaudible).

8 SANDY GAITHER: Okay.

9 MALE SPEAKER: I was -- I was right at the
10 racetrack yesterday, and there were eight
11 (unintelligible) fully muffled cars --

12 MALE SPEAKER: No, they're not.

13 SANDY GAITHER: Okay.

14 MALE SPEAKER: (Inaudible.)

15 SANDY GAITHER: Okay. As I said, we've been
16 there since 1948. We predate you for years. We've
17 been in your face for years.

18 Are you aware of where we live?

19 JASON FIORITO: Yes.

20 SANDY GAITHER: We're on the south side of
21 the track. I realize there are people here from the
22 north side of the track. And you will tell everybody,
23 "Oh, the noise isn't so bad on your side of the
24 track." Well, it is on the south side. It always has
25 been, and it continues to increase. Any type of

1 expansion that you plan here, by your own admission,
2 will increase activity and increase noise. I see
3 nothing here to give any of us any relief whatsoever.
4 I will turn in my letter to the Department as long --
5 along with letters we've been giving for years.

6 One more question.

7 MS. ORTIZ: (Inaudible.)

8 SANDY GAITHER: May I ask him one question?
9 What do you feel is a reasonable decibel level that
10 someone should live with in their home?

11 JASON FIORITO: I'm not a noise engineer. I
12 just, as a business owner, think I'm entitled to
13 operate under the interpretation and enforcement that
14 my predecessor and myself has had to adhere to for the
15 last 30 years.

16 JOHN STARBARD: Okay. Who is next?

17 MARIA BANG: Can I move in? I don't want to
18 be right here for this part of my time. There we go.
19 Okay. Can I have the portable?

20 Hi. I'm Maria Bang (phonetic spelling), and
21 I have a statement I'd like to get through because I
22 know I only have three minutes. Okay. I, for one --
23 I don't believe you because I have lived there for ten
24 years. And when I first moved there, Mondays and
25 Tuesdays were flat out quiet. Sometimes there would

1 be noise on Wednesdays. There would be noise on the
2 weekend. It was liveable. It no longer is.

3 One of our people has a calendar to show you
4 a previous schedule. And it didn't have as much stuff
5 as you have now. The fact is you run every day of the
6 week all summer long. And you've escalated your noise
7 and your activities. You're regularly racing on quiet
8 days.

9 I was even talking to John Starbard on a
10 Tuesday, and he could hear the loud racing going on in
11 the background. Remember, John? Okay.

12 And this noise pollution is detrimental to
13 our health and our property values. A lawsuit was
14 already brought over this. And it -- they won, and it
15 resulted in the current Conditional Use Permit. In
16 addition to polluting our atmosphere with noise on
17 Mondays and Tuesdays, you didn't post the quiet
18 weekend days, even though Randy Sandin directed you to
19 and directed you guys to be quiet.

20 But King County, unfortunately, dropped the
21 ball, and we neighbors have suffered another entire
22 summer hearing racing every day of the week. In fact,
23 belatedly, the raceway hosted three quiet weekend
24 days, two were in a row. That is another violation.

25 Moreover, I never received notice of proposed

1 changes to the shift cart track and the drag strip or
2 any of that, even though my property is right here on
3 your map, immediately right there. And I never
4 received any notification. So King County dropped the
5 ball on that.

6 Worse, you have the proposed ordinance calls
7 for changing Codes and bending environmental laws that
8 govern everybody who builds out here. They want to
9 cut trees on steep slopes and in wetlands just above
10 the fish hatchery, a slope that has already slumped
11 several times and even took out the train tracks.

12 They're -- they're threatening the Little
13 Soos Creek and the Big Soos Creek, two salmon recovery
14 creeks in need of protection, not encroachment.

15 In one of these places, there's even a
16 culvert. There's a place they put in a French drain,
17 and the water pours through their French drain. The
18 culvert was "indicating" the water straight into the
19 creek. I think that King County needs to measure that
20 water for pollution.

21 It's amazing too, this particular plan has
22 not even one storm water pond on the entire thing, not
23 one. It's amazing that they have a plan like that.
24 And you told me you didn't have room for it. When you
25 came to my house, you told me how overextended you

1 were.

2 A lot of people are losing their homes. You
3 say you're going to lose millions of dollars. We're
4 going to lose millions of dollars of value of our
5 property when you go through with this. This cannot
6 stand.

7 It's amazing to me that King County allowed
8 the shift cart track to go in without -- how much?

9 MS. ORTIZ: 30 seconds.

10 MARIA BANG: Okay. This ordinance has no
11 limits. So I want King County to revoke this
12 Conditional Use Permit. You have the power to do it.
13 You need to do it with this continual violations.

14 I want the newest version of the ordinance.
15 I want all environmental laws upheld in regard to
16 Pacific Raceways. They should not be able to get
17 Codes changed and evade environmental laws.

18 And it's going to be one of my missions, as
19 long as I live there, to fight this constantly.
20 Pacific Raceways has an obligation to its many
21 supporters, organizations and businesses to manage its
22 affairs responsibly and not jeopardize your interests.
23 And that's what you're doing.

24 MS. ORTIZ: Thank you, Ms. Bang. If we have
25 time at the end, as John stated, we will allow people

1 to --

2 MARIA BANG: Okay.

3 MS. ORTIZ: -- (inaudible). Thank you very
4 much.

5 (applause)

6 MS. ORTIZ: Linda Worden?

7 LINDA WORDEN: (Unintelligible) this table.
8 Thank you. And my glass.

9 I am Linda Worden. We have lived on our
10 property for 40-some years. We -- my husband and
11 myself have been involved -- have been involved with
12 the raceway with SIR in the late '70s and early '80s.

13 Before I begin, too, I wanted to thank the
14 County for having this meeting where we all could
15 attend. It's a first. Thank you. Thank you for
16 having it in the meeting -- the meeting in the evening
17 so that we could attend. Much appreciated.

18 When the Conditional Use Permit came out of
19 the last legal fight that we had, as a whole, the
20 community felt it was lenient but fair. It gave the
21 County, the community and the track a basis to work
22 from in order for this facility to be a good neighbor.
23 You haven't held up to that.

24 From the get-go, there were problems with
25 track management trying to sneak past permit

1 conditions. The County, at that time, was a more --
2 more responsive to neighborhood complaints and
3 violations, and they took a firm stand with the track
4 to resolve issues that we brought forward and
5 violations.

6 This year, Pacific Raceways has been allowed,
7 due to lack of enforcement, to complete an entire
8 racing season without complying with any of the rules
9 on the Conditional Use Permit. Community relations
10 with track management have deteriorated to the point
11 where we're gathered here to try and bring you back
12 into line where we all can live as a neighbor.

13 Pacific Raceway has been adamant that since
14 violations have occurred over a period of time,
15 they've become the standard and, therefore, should be
16 accepted by the County and the community. Our just
17 system does not condone violations of rules of any
18 kind simply on the premise that because something has
19 occurred over a long period of time, therefore, it's
20 become legal.

21 In going over the Conditional Use Permit, the
22 Conditional Use Permit, in the 1984 permit says,
23 "1(a), Closed Mondays and Tuesdays." Right there,
24 very, very plain for all to see.

25 MS. ORTIZ: 30 seconds.

1 LINDA WORDEN: Oh, wow. I'm going to have to
2 come back. I'm not going to get there.

3 But you have violated the Mondays and
4 Tuesdays. You have violated the fact that you have
5 not posted your five quiet days. You did not give us
6 five quiet days. You gave us two. And you owe us
7 three next year as far as I'm concerned.

8 We aren't worried about your money. We're
9 worried about our quiet days and our lives.

10 The plot plan says no camping. Your question
11 and answer site says -- states specifically that there
12 is camping for anybody as long as they go ahead and
13 call in and get permission for it and pay their fee.

14 The cart track is another problem.

15 MS. ORTIZ: Thank you, Mrs. --

16 LINDA WORDEN: Okay. We'll get back to it.
17 Thank you.

18 JOHN STARBARD: Thank you, Linda.

19 And in addition, if we have time to go back
20 and you want another chance to speak, in addition to
21 that, if you have brought -- if you've brought some
22 written materials, and you'd like us to have a copy,
23 you can do that as well, or as an alternative.

24 MS. ORTIZ: Katherine Frasier (phonetic
25 spelling).

1 KATHERINE FRASIER: I want to thank you for
2 having this meeting also. I have a -- some comments,
3 though, with regard to King County, and I realize you
4 haven't been there in a while. But one of my concerns
5 has always been the notification for these meetings.
6 These meetings are supposedly annual meetings. I have
7 never been notified, yet my home, and I see other
8 neighbors' homes -- other neighbors here, whose homes
9 have been impacted by this raceway and the enjoyment
10 of our home and our property.

11 On your meeting notice, it says, in the fine
12 print, that you'll be notified if you own property
13 within approximately 500 feet of the raceway.

14 When I contacted King County, generally, in
15 planning, notifications for something like this is
16 usually in a circular area around. And when I
17 contacted King County, I couldn't get an answer with
18 regard to how that notification was done. But a
19 radius of the 528 feet, like 0.1 miles -- you get an
20 extra 28 feet from their property, of their location
21 of their mailing address -- does not even leave the
22 raceway property.

23 If it's beyond that radius, and this -- I
24 would like a map of this. I was told that I would
25 have to sift through the mailing list to find out what

1 that is. I would assume King County has planning --
2 planning data with a map of who they're notifying.

3 The other -- if they are doing it based on
4 the property line and 500 feet from the property line,
5 it's pretty apparent that there are quite a few
6 neighbors who have common property lines with the
7 raceway and who have not been notified. I would like
8 to see that changed.

9 I would like to see the notification based on
10 the noise impact to the surrounding community. I
11 would also like to point out, as an engineer, that
12 four data points for sound should not ever be
13 considered a reasonable number of data points to
14 survey sound in the surrounding area. That -- that
15 is -- does not pass the sniff test. That's just
16 astounding to me. And that that's going to be in some
17 sort of final noise study? That is simply outrageous.
18 And I think that you really need to look at that.

19 (applause)

20 The other thing that I wanted to mention had
21 to do with -- had to do with water runoff. There
22 are -- there are culverts going underneath the race --
23 excuse me -- underneath the train tracks that the
24 railway put in because there were slides coming off
25 the racetrack. There were slides coming down the

1 hillside and messed up the track. So they put in
2 these culverts.

3 I don't see -- I walk around my neighborhood,
4 and it's a mile walk. I have -- there's at least
5 three to four drainage storm ponds that I can -- I can
6 go by. I don't see any there. Thanks.

7 MS. ORTIZ: John Carr (phonetic spelling).

8 JOHN CARR: I'm really torn here because this
9 is a big can of worms. And how many property owners
10 are here? Oh, ho, ho.

11 I have something I'm going to read to you.
12 In regard to your driving school, if you -- if you
13 people would just drive legal road cars, none of us
14 would complain. But you -- you know, you've talked to
15 your attorneys, I guess, and you're going to beat the
16 system. And this is what it's going to get you. Just
17 drive quiet cars. The screeching of tires, we can put
18 up with.

19 Okay. You property owners, "Fiorino" has
20 submitted an ordinance, King County Ordinance. Now,
21 as you all know, there is a number of situations on
22 the Growth Management Act, rural and urban. And they
23 have come up with this overlay process. And a good
24 example is Black Diamond, city of Black Diamond.
25 They're going to put in 6,000 homes. There's no

1 infrastructure (unintelligible). And the way they're
2 going to do it is the overlay process.

3 Now, Mr. "Fiorino" has gone to the County,
4 and this new ordinance is a dandy. I just want to
5 read you one thing here. Item H, page 16, "After
6 implementation of the regional motor sports facility
7 special district overlay through the comprehensive
8 plan amendment process, any prior Conditional Use
9 Permit or Special Use Permit shall no longer apply to
10 the development or operation of the regional motor
11 sports facility."

12 What this means is that -- and I'm afraid
13 it's going to backfire on them. What it means is
14 there will be no rules. They'll be able to race
15 whenever they want, as long as they want, as often as
16 they want.

17 And so you as property owners, you better pay
18 attention to this -- this county ordinance, because if
19 they're able to annul state law with a county
20 ordinance, the rules they're operating now will no
21 longer exist. And that's what you have to fear
22 because they'll be going 24/7.

23 MS. ORTIZ: Thank you, Mr. Carr.

24 (applause)

25 MS. ORTIZ: Larry Worden.

1 LARRY WORDEN: My name's Larry Worden. I
2 lived by the track for 40 years, 40-some years. In
3 1980, when they had the hearings, I figured I went to
4 the hearings, and I thought, well, this is pretty
5 good. I mean, okay. And I expected the County to
6 enforce the permit. And I expected the track to, you
7 know, abide by (unintelligible). But it didn't
8 happen. And 25 years later, we're at the very same
9 place as in 1980.

10 And the track is not living up to the permit
11 and the County is just unable, unwilling or whatever
12 to enforce it. The permit says what it's supposed to
13 be, you know. They said there's supposed to be berms.
14 There's supposed to be quiet days. There's supposed
15 to be all this, but it hasn't happened.

16 And here they're talking about expansion.
17 They should be talking about, where is the permit?
18 Where is the permit for the motorcycles? Where are
19 the -- they got a new cart track that's only supposed
20 to be for go-carts, but everything else is raced, you
21 know.

22 I mean, we're dealing with someone that
23 doesn't know what "quiet" means. And -- and not only
24 that, with a county that's unable to tell them what
25 "quiet" means. I was at the hearings. Berteig said,

1 "Quiet days." He said, "No noise." He said,
2 "Bicycles," you know. That's what he said. But
3 that's not what happens.

4 I mean, they're saying they have mufflered
5 vehicles. Well, you can put a muffler on a vehicle,
6 and it can be louder than it is without a muffler. I
7 mean, I know that. I've been there. It's a long time
8 ago. I raced too. I raced motorcycles, Harley
9 Davidson, traveled around the country, you know.

10 So, I mean, all these people aren't stupid
11 out here. You said there's mufflers on these cars.
12 But I can take my car over there, and you can't hear
13 it. But theirs is just as loud. What's the loudest
14 car you've heard going by your house? The street
15 legal car or the Harley-Davidson, "Bmmm," you know.
16 Get 15 of those, and you put over there, and you call
17 them quiet, you know.

18 You say Berteig -- I wish Berteig was here,
19 you know. He is the one that said what it was
20 supposed to be. And he is the one who is supposed to
21 abide by -- he is the one who is supposed to enforce,
22 you know, not all this mumbo-jumbo, you know, that's
23 supposed to come since then, you know. You're
24 supposed to enforce the permit. You're supposed to
25 enforce what Berteig said, you know. Really perturbs

1 me, but -- okay.

2 MS. ORTIZ: Thank you, Mr. Worden.

3 (applause)

4 MS. ORTIZ: Pete Tetno (phonetic spelling).

5 PETE TETNO: Well, I live about 300, 400 feet
6 south of the track. It's up on the plateau. They
7 didn't really do a good study in that area. But one
8 of the things that I would like to take issue with is
9 notification, because we'd have a lot more people here
10 if proper notification had been done.

11 MALE SPEAKER: Yes.

12 (applause)

13 PETE TETNO: Sound travels. Mail only
14 travels 500 feet. We're talking a mile and a half,
15 you can hear this.

16 Nobody knows about it. You'd fill this room.
17 You'd fill the whole college if it was proper
18 notification.

19 I think most of the people here are really
20 not trying to shut down a business. We would like to
21 have some respect for our rights. I think one of the
22 things that we all need to be very careful about is
23 allowing the rules to change, because once they
24 change, we can't change them back unless we go to
25 court. That's an expensive proposition. So we need

1 to stand up and fight for our rights.

2 I think everybody else -- I think everybody
3 else has pretty much covered all of the points that
4 need to be made. Thank you.

5 (applause)

6 MS. ORTIZ: Greg Ketnol (phonetic spelling).

7 MALE SPEAKER: (Unintelligible).

8 MS. ORTIZ: Okay. Stan Hulling. Stan -- I'm
9 sorry. I said, "Stan," didn't I? Don.

10 DON HULLING: I'm Don Hulling. I live in
11 Heather Highlands. I was -- I went around with a
12 petition, which I've got here. And somebody was
13 talking about notification. Nobody, absolutely
14 nobody, save one guy, had heard about the situation of
15 the expansion. The one person that had heard, I had
16 stopped at one -- at his neighbor's, and he'd heard
17 because of the guy next door, the guy that had stopped
18 at finally had told him.

19 I was interested in that ordinance you got
20 passed up at the deal. I think it is passed. It
21 wasn't passed? Because it said -- I read somewhere
22 that it was passed. Anyway, it's -- it talked about
23 all the fishing stuff that has to be worked on. So it
24 seemed -- but not a thing about noise in it, not one
25 word about noise or noise mitigation or anything like

1 that. So it seems that the fish had more rights than
2 citizens, as usual.

3 In our neighborhood, I would say that the
4 property loss, because of your noise, is in the 50- to
5 hundred thousand dollars per house. 163 homes in
6 Heather Highland equals about 8 to \$16 million in lost
7 property value. For thousands of homes in the noise
8 area of Pac Raceways, we're talking hundreds of
9 millions of dollars in lower property valuation that
10 could help your county budget.

11 Health costs due to noise, read the papers.
12 Last couple of -- there's been -- in the last couple
13 of weeks, there's been two articles about what the
14 health costs are.

15 Pacific Raceway contends they've been running
16 their "ProPerformance" driving school on Mondays and
17 Tuesdays for many years. But their schedule doesn't
18 show it in the -- in the 190- -- or 20 -- 19 -- 2003
19 calendar of events right here. No -- no
20 "ProPerformance" driving school listed there.

21 Certainly, that is isn't 2010, though. We
22 had -- but it certainly -- let's see. They certainly
23 have an unusual definition of closed specified in the
24 CUP.

25 MS. ORTIZ: 30 seconds.

1 DON HULLING: Oh, geez. Last year's annual
2 meeting was held in Renton to minimize attendance of
3 the few that heard but me. The owner told us that the
4 vehicles run during weekdays are street muffler --
5 street legal mufflerized. How is it that I can hear
6 one or two street legal cars, motorcycles, over a mile
7 away nearly every day all summer?

8 Last year's (unintelligible) -- no mention
9 was made of a noise study that can be completed the
10 previous March was mentioned. In these emails, it's
11 apparent that --

12 MS. ORTIZ: Thank you, Mr. Hulling. I
13 appreciate the (inaudible).

14 DON HULLING: Here is the violations, just a
15 small little pile of (unintelligible) today.

16 MS. ORTIZ: If you'd like to leave them,
17 you're welcome to do so.

18 DON HULLING: You've got them, but --

19 MS. ORTIZ: All right.

20 DON HULLING: These are the County.

21 MS. ORTIZ: Loretta Willard, please.

22 LORETTA MARIE WILLARD: Good evening. I'm
23 Marie Willard. Jason, I visited your operational
24 headquarters there, different times and spoke with you
25 on shared issues. And I found you to be receptive to

1 my comments. Your professionalism of yourself and
2 your staff was very encouraging. I hope we can
3 continue to operate by cordial means throughout this
4 process.

5 The polarity in here is palpable. I believe
6 creative solutions have not even been approached yet.
7 We need to look at that.

8 Noise reduction is technologically
9 achievable. We can also mitigate these issues of
10 noise that is incumbent with your activity by
11 improving berms and other noise mitigating features
12 which will give support ecologically to the areas that
13 concern us all.

14 I have not yet heard about the evaluation of
15 the water table out there. There are numerous well
16 shafts that reach potable water. And I know this
17 because I take my walk widely on the north side of
18 your track. And I speak with neighbors who share our
19 concerns.

20 For every person in this room, there are ten
21 adults who are very concerned about the relationship
22 that the community has with a viable business. None
23 of us want to be captured and have our primary assets
24 frozen in value or functionality by disagreeable
25 issues where there is resolve.

1 I believe that all of us have good
2 imaginations. We have the power of our persuasions
3 and passions that we can work with this. We can work
4 with each other. That's where we need to be. We need
5 to look at the imaginative solutions.

6 I would like to see better sampling of your
7 noise. And I would also like to see sampling of the
8 wells. There are numerous registered wells actively
9 serving families and their livestock in this area.

10 When Scarsella (phonetic spelling) broke
11 ground for Pacific -- our Pacific Northwest Parks,
12 they had one monitored well on site. Thank you. I
13 believe that the satellite monitoring of our water
14 level and water quality is essential prior to
15 continuation of any permit consideration.

16 Thank you, gentlemen, for your time. I
17 appreciate the desire you have of conducting a viable
18 business. We have an interest in leading viable
19 lives. Thank you.

20 MS. ORTIZ: Thank you. (Unintelligible.)

21 (applause)

22 MS. ORTIZ: Robin Windermere. Or Robin Att
23 (phonetic spelling) Windermere, Robin Ott (phonetic
24 spelling). I'm sorry.

25 ROBIN WINDERMERE: Robin. I would like to

1 know, Jason, have you submitted to SEPA for the
2 expansion?

3 JASON FIORITO: No. Right now, it is
4 establishing a process to get through SEPA.

5 ROBIN WINDERMERE: Okay.

6 JASON FIORITO: SEPA is the primary concern
7 and the essential overseeing body of law that
8 coordinates the environmental review. And I don't
9 think anybody assumes that a project of that scope is
10 going to avoid the SEPA process.

11 ROBIN WINDERMERE: Well, the reason that I
12 ask is because I contacted the Muckleshoot Indian
13 tribe, and I've contacted a lot of the tribes now.
14 Also, I have emailed the marine biologist. I've
15 e-mailed the head of SEPA down in Vancouver. The
16 tribe said that they had looked at this plan that you
17 submitted through SEPA. So are you saying that it has
18 not been submitted?

19 Because SEPA is the State Environmental
20 Policy Act which would allow these expansions to
21 happen. And they would actually preside over King
22 County and change the rules that the County has no
23 control if SEPA agrees to allow this to happen.

24 JASON FIORITO: Well, the County, as I
25 understand it, is in charge of implementing SEPA.

1 But -- and there is no law that the King County
2 Council can pass that supersedes SEPA law.

3 In terms of --

4 ROBIN WINDERMERE: SEPA is policy setting.
5 They set the policy that the County follows.

6 JASON FIORITO: Correct. And it's my
7 understanding that the King County Council doesn't
8 have the ability to supersede SEPA. So anything that
9 potentially is passed has to conform with SEPA and has
10 to involve both a public process and a comprehensive
11 environmental review, the first stage of which --

12 ROBIN WINDERMERE: So I would just say to
13 you, if the tribe already looked at this through SEPA,
14 then where was the notification from SEPA to the
15 surrounding community? Because nobody was notified.
16 And what is that notification process?

17 JASON FIORITO: The only thing I can think of
18 that would have been through the SEPA process, Robin,
19 is the relocation of the drag strip permit, because no
20 permit has been applied for. No SEPA checklist has
21 been filled out for this expansion. This is
22 conceptual. It is in the legislative stage. This
23 permit has not been applied for. No SEPA checklist
24 has been filled out. It is in the preliminary stages
25 of trying to negotiate with King County a process

1 through which we can come out the other side with
2 predictability and objectivity.

3 ROBIN WINDERMERE: Well, the chinook salmon
4 that run in Soos Creek are naturally spawning salmon.
5 And that is happening right now, as you saw when you
6 went to Leah's. We've had several showings on
7 properties down there that we are unable to sell
8 because of the noise. The people that look at them
9 love the properties, the creek, but they do not like
10 the noise so they have not bought.

11 Also, I have sent this out to the Indian
12 tribes because what you are proposing above Soos Creek
13 would not be acceptable to them, with taking out the
14 trees and making that slope -- that slope is under --
15 the marine biologist would look at it, and so would
16 SEPA, look at the flows of that creek.

17 MS. ORTIZ: (Unintelligible.) Karen Medder
18 (phonetic spelling). (Unintelligible.)

19 (applause)

20 KAREN MEDDER: My name's Karen Medder. I
21 live in the Heather Highland neighborhood. We're
22 about eight and a half miles from here. And I can
23 tell you the noise level -- despite my diminishing
24 hearing over the last 23 years, the noise level has
25 increased significantly. I don't know anything about

1 racetrack -- racetrack noise, but it's very noisy.

2 And it's getting worse all the time.

3 Another issue I'd like to address are traffic
4 issues. As most of you probably know, 18 is already
5 overly crowded most of the time. And it's
6 particularly bad when we have amphitheater
7 performances. We have this White River Amphitheater
8 out here, and it's a complete gridlock between --
9 between I-5 and the exit, wherever they -- I think
10 it's the Auburn Black- -- which exit?

11 FEMALE SPEAKER: We probably all really know
12 what that is.

13 KAREN MEDDER: Yeah, yeah. And I suspect a
14 lot of these NASCAR races would be taking place at the
15 same time. And that's something I think King County
16 needs to take a look at.

17 I know a lot of this is old material, but I
18 know I speak for many of us when I say I don't
19 appreciate the stealthy manner in which this has taken
20 place.

21 Since this does harm the quality of life in
22 southeast king, it diminishes property value, and it
23 diminishes the tax base. And that's one other thing I
24 think King County needs to take a look at.

25 And you'd mentioned you were -- this track

1 was initially built in 1958. Well, you -- whoever
2 built this track in 1958 didn't have a lifelong --
3 they didn't sign a 99-year lease to do whatever they
4 wanted like they did when they built the Panama Canal.
5 Right?

6 Another issue I'd like to address is wildlife
7 protection in these areas. I don't have to tell you
8 deer and so forth are very frightened by loud noises,
9 not to mention not having a home port, so to speak.

10 I've also been very much involved in the
11 Yarrow Bay developments in Black Diamond. We filed an
12 appeal on Monday to try to stop the -- this 6,000-plus
13 home development out there, plus one -- excuse me?

14 FEMALE SPEAKER: Oh, I just said that's
15 crazy.

16 KAREN MEDDER: Yes, yes.

17 And this is also directed to King County.
18 Many of us feel that southeast King is becoming King
19 County's dumping ground. Anything unpleasant gets
20 dumped down here, including this not just 6-000 plus
21 homes, but 1.1 million square feet of commercial space
22 in Black Diamond.

23 And another point is they projected out road
24 projects, King County has over the next 30 years.
25 There are no plans for any significant road

1 improvements here in southeast King through 2040. And
2 that's something that should be borne in mind,
3 everyone here, including, again, our friends at King
4 County.

5 There was one more thing. I'm getting
6 Alzheimer's, along with my bad hearing. Okay.

7 JOHN STARBARD: You can come back.

8 MS. ORTIZ: You can come back after.

9 KAREN MEDDER: Okay. Thank you.

10 MS. ORTIZ: John Ramsey.

11 JOHN RAMSEY: My name is John Ramsey, and I
12 represent Green River Community College. Thank you
13 all for being here tonight. Appreciate you being on
14 campus.

15 I want to go on record that the college does
16 support Pacific Raceways. And let me tell you why.
17 Since its early days, Green River Community College
18 has always had a parking and traffic problem. Many of
19 you know that. We could never build enough parking to
20 meet demand, and we contributed to the overall impact,
21 traffic noise and pollution on the roadways leading to
22 the college.

23 The raceway and Jason Fiorito offered us a
24 solution. They made available their largest parking
25 lot to the college for a nominal fee. And I mean a

1 very nominal fee, for us to park and shuttle students
2 so campus. This effort has allowed the college to
3 meet its soaring demand for services.

4 Today, we park about 900 cars a day at the
5 raceway. We use six shuttle buses to run the students
6 to the college from dawn to dusk. That's 900 cars
7 we've taken off your streets on a daily basis. That's
8 less traffic, reduced congestion, less air pollution
9 in the area. And we owe that to the raceway. Thank
10 you.

11 Finally, I think it's important that we look
12 at the raceway as an economic engine for the
13 community. Their existence spins off jobs in a wide
14 variety of industries. These are family wage jobs
15 that directly relate back to the programs that we
16 train our students for; automotive technology, auto
17 body, welding, manufacturing and the design drafting
18 to name a few. Pacific Raceways provides internships
19 and jobs for students, scholarships for our future
20 students and recreational opportunities for our
21 students and employees.

22 Again, Green River Community College supports
23 Pacific Raceways. Thank you.

24 MS. ORTIZ: Thank you, Mr. Ramsey.

25 (applause)

1 Can I remind everyone to please be
2 respectful. Well, we have some comments up front here
3 that we're --

4 FEMALE SPEAKER: Can you please tell me what
5 your position is at Green River?

6 JOHN RAMSEY: Yes. I'm an administrator.
7 I'm the director of public information at the college.

8 FEMALE SPEAKER: Okay. And that's the
9 official Green River --

10 JOHN RAMSEY: That's our (unintelligible)
11 position. That's correct.

12 FEMALE SPEAKER: Okay.

13 MS. ORTIZ: Diana Norcroff (phonetic
14 spelling).

15 DIANA NORCROFF: Well, listening here today,
16 I'm the new kid on the block. I think the shortest
17 term person that I've heard up here is 23 years. You
18 know, 23, 40, 50 and so on. I'm the new kid. This is
19 all very new to me. I moved into Heather Highlands a
20 year ago. I didn't know I was going to be dealing
21 with this. Didn't hear it when I was looking at the
22 home.

23 And so as I'm becoming educated on this, what
24 I'm hearing is -- and what I'm learning -- and I'll be
25 learning more -- is that back in 1992, a CUP was

1 issued. It has not been complied with, at least not
2 for the full term. Unfortunately, because of that,
3 you are probably -- what is being represented then is
4 a lack of trust because if you haven't been doing what
5 you're supposed to be doing, how can we believe what
6 you might say for what might be going forward? At
7 least that's my personal reaction.

8 In regard to the economic, you were
9 mentioning that, hey, by -- you know, by us wanting to
10 enforce the CUP, you've never had to do that. You've
11 had 30 years to be able to race when you want to.
12 That, by our wanting you to comply with that, that
13 we're impacting you economically. I think your words
14 were a social and economic impact.

15 And my concern is there hasn't been an
16 enforcement. What you're asking for is not to have it
17 enforced. And in addition, by the expansion of the
18 racetrack and the removal of that is increasing the
19 noise with no limitations. And that has a social and
20 economic impact to all of us, as many people have
21 commented. It impacts our property values. It
22 impacts realtors. I'm sure that's why Windermere is
23 here because it impacts their ability to sell homes.

24 You know, we all are in here for business.
25 Nobody is going to -- you know, nobody wants to stop

1 you from making money. But the thing is there doesn't
2 seem to have been a fair, balanced and honest
3 relationship with the community. We're wanting you
4 to -- we want you to enforce and you to support the
5 CUP that's been in place.

6 In regards to the sound tests, I'm curious,
7 were those sound tests done? I mean, where -- you
8 know, not a lot of racing going on now. Are they
9 being done during the active season? Because let me
10 tell you, I'm up in my house. I have people visiting,
11 and they'll go, "God, it's so quiet here." And then
12 all of a sudden you here "Vvvvvrrm" as the funny cars
13 go down the track. And it's really loud. And so I
14 hope that is being taken into consideration.

15 For some thoughts to the rest of the --

16 MS. ORTIZ: 30 seconds.

17 DIANA NORCROFF: Okay. Just some thoughts
18 from myself. You know, legislation going in front of
19 the King County Council and so on, a couple of
20 thoughts. Educate. Educate yourself. Communicate.
21 Pass the word. Not a lot of people are here because
22 they don't know. Get email addresses. Get to know
23 your neighbors like Don has. Get the word out. Go to
24 your realtors. Take it to your church. Get the word
25 out so more people understand what's going on. Speak

1 out if you have some concerns. Of course, educate
2 yourself first, and then speak out. Call your King
3 County Councilmen. Go to the King County Council when
4 they're presenting this and present your thoughts or
5 concerns.

6 MS. ORTIZ: Thank you.

7 (applause)

8 JASON FIORITO: And if I may for just a
9 second, because I've heard quite a few times that what
10 I'm asking is for the CUP not to be enforced. And
11 that, respectfully, mischaracterized what I'm asking.
12 What I'm asking is that it continues to be enforced
13 the way it's been enforced and interpreted for the
14 last 30 years. I don't -- and I would like to read
15 very quickly from the 1992 Greg Borba issue in
16 which --

17 FEMALE SPEAKER: (Inaudible.)

18 JASON FIORITO: Well, I think I should have
19 the ability, respectfully, to respond.

20 JOHN STARBARD: Well -- well, how about this
21 for a compromise, is when we get through the list of
22 people who have signed up, Mr. Fiorito can respond,
23 and then we can go back to if anyone else wants to
24 speak. Is that --

25 JOHN CARR: (Unintelligible) three-minute

1 thing like the rest of us?

2 FEMALE SPEAKER: Yeah.

3 JOHN STARBARD: Fair enough, John. Okay.

4 MS. ORTIZ: Tracy Felton. Tracy?

5 TRACY FELTON: Thank you. My name's Tracy
6 Felton. And it seems like we have just basic terms
7 that were not -- are you being penalized at all for
8 lack of disrespect in following the Code?

9 JASON FIORITO: It's my position that I'm
10 following the Codes. That's part of the discussion
11 we're in with the County is that it's Pacific
12 Raceway's position that we are operating within the
13 terms and the interpretation and historical
14 enforcement of the CUP.

15 TRACY FELTON: Oh, now I've been reading
16 differently. And the lack of notification to the
17 neighbors is -- again, we have a definition problem as
18 far as notification. I think we have a definition
19 problem as to what "quiet" means.

20 So my home is currently on the market. And I
21 actually, again, have people that come look at it.
22 It's a beautiful piece of property. We're right up on
23 the Soos Creek, a beautiful acreage. And the minute
24 they hear those car races, basically, "We wouldn't
25 live here if you paid us." So it really is an impact

1 to everybody, environmentally, financially. We've
2 heard about your bottom line, but we have a bottom
3 line as well.

4 So I -- I have more to say, but I will --
5 again, we need to know about these meetings. We need
6 to know -- we need to be kept informed.

7 Also, as far as the noise testing, it needs
8 to be done during race season. It's idiotic to have
9 it done right now. And as far as racing, if you're
10 doing Chevy Cobalts on your racetrack, I drive a Chevy
11 Cobalt. Mine doesn't sound like that.

12 (applause)

13 JOHN STARBARD: That is everyone who signed
14 up to speak. Is there anyone else?

15 MALE SPEAKER: Well, wait a minute.

16 JOHN STARBARD: Oh, hang on a second.

17 MALE SPEAKER: I think what I just heard that
18 we agreed is that if we made it through those who have
19 signed up, then we'd allow Mr. Fiorito --

20 FEMALE SPEAKER: (Unintelligible) realized
21 you were supposed to check (unintelligible).

22 JOHN STARBARD: Let's keep going.

23 MARK BRADY: My name's Mark Brady, and I've
24 just got a few quick points. Thanks for your time,
25 King County. Thanks, you guys, for coming out here to

1 talk to us.

2 The quiet days on the weekends, okay, so you
3 guys are supposed to provide it by May 1st of each
4 year. And so we've got the 2011 coming up. And
5 they're provided to the building and land office, I
6 think, King County, anyway. So can you guys post that
7 on your website (unintelligible)? You're going to
8 post the noise study. Can you post the days that
9 they've -- they're going to give you on the website?

10 FEMALE SPEAKER: Or are they supposed to be
11 posted on the raceway website?

12 MARK BRADY: Well, you guys have them. You
13 know, if you can just put them there, why not, you
14 know? Can you do that?

15 MALE SPEAKER: I don't see what
16 (unintelligible).

17 MARIA BANG: I mean, there's -- it's just
18 days, right? Five days. Can you put --

19 MALE SPEAKER: We can post them on our
20 website.

21 MARIA BANG: Perfect. Okay. Thank you.
22 Okay.

23 Okay. Now, the complaints that were done for
24 the past racing season, now, because of the letter you
25 sent, and as you guys responded to it and all that,

1 are those complaints closed now? Is that the kind
2 of -- we're back to square one? We all start over
3 again? How does that work? How does the process
4 work?

5 JOHN STARBARD: I don't see that it is
6 closed. I mentioned -- I mentioned in my early
7 remarks that positions were asserted from Mr. Fiorito
8 from Pacific Raceways' attorney, that we are still
9 evaluating and trying to figure out the best way to
10 respond to that, because that letter from Pacific
11 Raceways' attorney makes -- takes positions on some
12 interpretations. And it raises questions in our mind.

13 MARIA BANG: Okay. The quiet days, ambient
14 noise. Okay.

15 And the last thing I guess is the -- with all
16 of the talk about expansion and the salmon and all
17 this kind of thing, just -- I don't see how an
18 environmental impact statement would not be mandatory.

19 I mean, for the racing -- the track itself,
20 you'd want a place that you know is going to be solid
21 and good for years and years to come. So for any kind
22 of improvements or things that are done, you want --
23 you want it to be as solid as possible. So I would
24 think that getting all of that environmental impact
25 statement would be mandatory and not bypassed or

1 (unintelligible).

2 And what kicked us off really was a fireworks
3 incident that happened. There was fireworks, one when
4 we were waken up. And we contacted King County and
5 said, "Well, what about the permit for this? What was
6 going on?" And they couldn't give us a signed
7 document for that. Is that -- (unintelligible)
8 that --

9 JASON FIORITO: If I were asked, I could have
10 provided a signed version of the permit, because we
11 did apply for one through the King County fire
12 marshal, and one was issued. So it's something that
13 any resident or business in King County has the right
14 to do, is apply for it and receive a fireworks permit.
15 And, you know, I can tell you it's something that
16 didn't make us any money. And if that's something
17 that irritates the community, it's something that we
18 spent money to have, you know.

19 Silly me, I thought that people enjoyed
20 fireworks. So it wasn't going to be something that
21 was a bee in anybody's bonnet. But trust me, it
22 doesn't make the track any money. And if it's
23 something that irritates the community, it won't be
24 occurring in the future.

25 MARIA BANG: Okay.

1 MS. ORTIZ: Did I miss anybody else? Okay.
2 I just want to make sure. (Unintelligible.) Do you
3 want to speak?

4 HOWARD ESPING: Yeah. (Unintelligible.) My
5 name is Howard Esping (phonetic spelling). And I
6 live -- let's see. The new drag strip is -- I live
7 down this road here, 800 feet. And I've lived
8 there -- or I bought property there in 1971. And I
9 bought it because of the racetrack. But my property
10 value of this year just went up \$76,000. It went from
11 129- to 205- just on the land alone.

12 Now, I don't know where other people are
13 getting this information about you getting free --
14 degraded property values. But I'm certainly not
15 getting any, and neither are my neighbors. And it's
16 not because of the racetrack.

17 As you may guess, I am a drag racer. And
18 I -- I love this place. And you guys are just trying
19 to run this thing in the ground. You need to get a
20 new life. If you don't like the place -- you don't
21 like the place, move. I mean, it's pretty simple. If
22 it isn't working for you, go someplace else, because
23 this track has been here since 1959. It's been by my
24 house for 20 years. It ain't no big deal.

25 The noise level on this gentleman's car here

1 that runs these Neons and Cobalts, they're not --
2 they're not race cars. They're just the same cars you
3 guys drive. They got four wheels on them sometimes
4 that show them how to make corners and stuff. But
5 they're not noisy cars. I don't know where you get
6 all the noise from. This is ridiculous.

7 MS. ORTIZ: Thank you.

8 JOHN STARBARD: All right. Take two on this.
9 So everyone who has signed up to ask to speak has been
10 through. Okay. Would you like to have three minutes?

11 JASON FIORITO: Just a couple minutes, John.

12 And I appreciate the passion with which you
13 folks are employing with your property values. I
14 empathize with it. I understand it. If I was in your
15 shoes, I'd be doing the same thing. All I'm asking
16 for is the same respect.

17 We have been -- my -- somebody asked who
18 built the track. It was my grandfather that built the
19 track. So this track has been in my family for 50
20 years. And when I look at the rules, I have an
21 interpretation of the rules, and so did Mr. Borba 20
22 years ago in conjunction with Mr. Berteig.

23 And if you look at the September letter, it
24 says, very clearly, although the driver school
25 vehicles using the track can be heard, the noise level

1 is within normal noise levels in the neighborhood.
2 When they were defending it back then, there was noise
3 spikes because of Auburn Black Diamond Road at 86 dBs.
4 So ambient noise is something that was addressed back
5 in 1992, defined as normal noise spikes in the
6 neighborhood, and then applied to the interpretation
7 and enforcement of the terms in the Conditional Use
8 Permit now.

9 When it says "closed," it means closed to
10 racing. It very clearly states that this does not
11 apply to other, quote, unquote, "nonrace testing." So
12 if it's a nonrace test that falls within ambient noise
13 levels, as had been interpreted and enforced over the
14 last 30 years, then it is approved under the CUP.

15 So respectfully, when I'm being told that I
16 am not -- that I am in blatant disregard of the rules,
17 I don't believe I am. Notwithstanding the fact that
18 those rules may negatively impact your quiet enjoyment
19 of your house, I have been able to operate this way
20 legally for 30 years.

21 And there is a legal argument called the
22 doctrine of equitable estoppel. And it means if an
23 agency or a person has interpreted and enforced
24 something for a long time, and it's expressed, it's
25 written, it's documented, and somebody bases their

1 business decisions on it, then I have rights under
2 those threshold determinations. I have rights under
3 the interpretation. I have rights under the
4 enforcement. So as a business owner, I understand
5 where you're coming from. I do. I have empathy for
6 it. I have understanding with it.

7 What I'm asking in return is the same
8 courtesy, that if you are able to operate and had
9 express permission from the County for 30 years to do
10 something, that you would be allowed to continue doing
11 it in support of the business that you believe in and
12 believe has social and economic benefits. So --

13 MS. ORTIZ: Thank you, Mr. Fiorito.

14 JASON FIORITO: I appreciate it. Thank you.

15 JOHN STARBARD: Ms. Worden, first of all, who
16 would like to speak again? One, two, three -- okay.
17 Yes, you can ask a question, then we'll go to the next
18 round of --

19 LINDA WORDEN: I'm Linda Worden. And you
20 stated that tests were done in, what, 1992? And from
21 the 1992 noise tests, you're saying that that's the
22 ambient noise. Since 1992, you can't tell me that
23 your cars haven't gotten louder, because I've been
24 there. And so if we're working on 1992 ambient noise
25 levels, we need new ambient noise levels today,

1 because nothing is permanent and same because it
2 happened a long time ago. It's going to happen
3 forever. You're not forever. We're not forever. And
4 your noise levels need to be changed, need to be
5 tested, and we need to see what ambient noise level is
6 today with the cars you're running.

7 JASON FIORITO: And if there's a question
8 there, my respectful response would be that I believe
9 that the ambient noise levels in the neighborhood,
10 because of increased traffic and increased activity in
11 the neighborhood, has probably increased over the last
12 20 years also.

13 So to be fair, what we believe was
14 interpreted was what is allowed. And expressly what's
15 allowed are muffled vehicles. And that's what we run
16 on Mondays and Tuesdays. That's what we run on the
17 quiet days. So I just implore you to look at it.
18 I've looked at it from yours. I understand it. I
19 implore you to look at it from mine.

20 DON KITCH: Can I just -- one real quick
21 point, regarding yesterday, how this works --
22 regarding yesterday and how this works, in the middle
23 of a program I was conducting yesterday, there was a
24 one-hour opportunity for certain drivers -- certain
25 cars -- street cars, street legal cars to come out and

1 practice on the road course for one hour.

2 Here is the way this works. A Porsche RS
3 America showed up. He made two laps, which you
4 probably heard. He paid \$125 to come out for one
5 hour. I said, "You know the rule. You're over the
6 noise limit. Your day is done, and no refund." They
7 know, before they come out, what the requirements are
8 for Monday and Tuesday. And they know they will be
9 enforced. The penalty for bringing a car out that I
10 believe does not meet what we're trying to do on
11 Mondays and Tuesdays is no refund. They come off the
12 track, and they are sent home.

13 And that's what happened yesterday. It was
14 one Porsche you heard. And he did two laps, and he
15 was out of there, \$125 poorer. That's the way I
16 handle Mondays and Tuesdays, because I know what we
17 need to do.

18 JOHN STARBARD: All right. In the 25 minutes
19 that remains, we have about five people who want to
20 speak again. Would it be -- let me see those hands
21 again. Now there's more than five. But let's --
22 would it be inconvenient for you to stand off to the
23 side, then we could just go in order that way? Would
24 that be okay?

25 MARIA BANG: Making this quick. Mark Brady.

1 And one of the questions I was asking, you graciously
2 offered to provide the noise and the days on the
3 website. Could you also put the Special Use Permit,
4 the current -- whatever is being submitted to whoever
5 it's being submitted to. I would like the names of
6 the reviewers and the timeline on any proposals on
7 decisions for this -- what's the process or an
8 understanding of that?

9 JOHN STARBARD: Yeah, yeah. The one that is
10 being talked about. Want to know what's -- you know,
11 what the lay of the land is for that. So here it is.
12 These people reviewing it -- and this is what's
13 happening, as best as you know at this time. That's
14 it. Thank you.

15 LEAH BOEHM: Leah Boehm. I have, from your
16 own website -- and this is on two quiet days, a full
17 day of racing is all scheduled in there. It's hiding.
18 It's calling itself a racing school. But their
19 testimony said -- here says "we took corners at
20 85 miles an hour by the end of racing all day."

21 Also, King -- you're trying to overturn Code
22 amended -- make Code amendments. You're trying to
23 cut -- they want to cut down all the trees on this
24 whole slope. They want to put in permanent
25 fortification.

And, Jason, when I met with you, you told me you didn't have any money for noise mitigation. You told me you weren't going to put up noise berms unless you were forced to, basically, that you didn't have any money. So you're not being up front.

And, as I said before, when I moved here, it was quiet Monday and Tuesday. You didn't have as many things in your schedule. We have your schedule. And King County has your schedule from 2003. And you guys should look at that, because you can compare how much racing is going on now as opposed to then.

I understand you need money. But that doesn't mean you can dump on all of us. And as far as this endless, "we've been doing it" kind of thing, if we discover somebody's been dumping toxic waste next door and some misguided King County employee said "Do it, nobody's going to mind," that's not right. This is pollution. And you can't grandfather in pollution. Thank you.

(applause)

MS. ORTIZ: Linda Worden.

LINDA WORDEN: I just want to go over the violations this year as -- as we all see them. First of all, you're supposed to be -- have quiet Mondays and Tuesdays. You should look up the word "quiet" in

1 the dictionary. I know what "quiet" means. We all
2 know what "quiet" mean. "Quiet" means quiet. You
3 violated by it Mondays and Tuesdays.

4 You're not -- you're supposed to notify prior
5 to May 1st each year for the quiet weekend days. You
6 didn't do it. You were told three times to do it.
7 You didn't do it. We did not get our quiet weekend
8 days. You owe us quiet weekend days, and you need to
9 have quiet. You need to look at the dictionary.

10 Quiet is quiet. It's no noise.

11 The plot plan says that you're not supposed
12 to have camping. You state right in your -- in your
13 website that anybody can camp there at any time, not
14 just race participants.

15 The cart track was advertised as a cart
16 track. King County and your noise people came up with
17 noise studies for a cart track. You are not
18 advertising it just as a cart track. You also have it
19 advertised as lapping, super moto and drifting. Those
20 are not cart track activities. So those need to be
21 shut down, or you need to re-open the entire permit
22 for a public hearing so we all have a chance to talk
23 about it.

24 I feel that the violations that have occurred
25 this year, you need to be fined for them. And I

1 request that the County reopens the Conditional Use
2 Permit so that we can go back over each and every word
3 so there isn't any question. We don't have to have
4 definitions and meanings every time we turn around.
5 Let's re-open it. Let's write it definitively so that
6 we all know what we're talking about, including you,
7 and then you'll know what you can do and can't do
8 without a bunch of angry people talking at you.

9 Further, there should be no consideration of
10 expansion for any type until you can demonstrate for a
11 couple years that you can even follow the permit that
12 you have. And in addition, any expansion needs to
13 include stringent County oversight for all future
14 development since management has shown such a blatant
15 lack of disregard for the surrounding community and
16 the County authority.

17 (applause)

18 FEMALE SPEAKER: I just have some questions,
19 so about the educating. I have made some comments
20 about my understanding is you aren't complying with
21 the CUP. People are saying, you know, you're not. So
22 I'd like to ask a couple of questions. One is, I've
23 heard, you know -- and it's in here also that you have
24 to post these five quiet days by May 1st. I've heard
25 that it wasn't done this year. Could you tell me,

1 from your perspective, did you meet that requirement
2 this year or not?

3 JASON FIORITO: No. Actually in all honesty,
4 I did not meet the requirement of posting the quiet
5 days.

6 FEMALE SPEAKER: Okay. In regard to the
7 interpretation here, I'm reading -- and, of course,
8 "quiet," of course, is one of those gray words, you
9 know, could be open for interpretation and each to our
10 own benefit. But as I'm looking here, it says that
11 you're not supposed to be having scheduled -- I lost
12 it now -- scheduled events and especially no noise
13 that would impact the neighborhood.

14 And I'm also hearing that there are events
15 that take place on Mondays and Tuesdays. One was
16 about this company that leases from you. I would
17 presume if they are leasing from you -- I don't know
18 the legal thing. But I would think you could enforce
19 what people do on your property. I don't know if
20 that's true or not. I guess I should ask. Is that
21 true? You were saying reach -- contact them on
22 Tuesdays directly as a landowner. Do you have that
23 legal responsibility to enforce that with them?

24 JASON FIORITO: When -- that permit is held
25 by Pacific Grand Prix. They own the permit. They do

1 have a responsibility contractually with me to comply
2 with the conditions of their permit. I have to admit
3 that I thought that their permit allowed them to do
4 the same things on Mondays and Tuesdays as my permit
5 allows me. So when John pointed out to me that their
6 permit is more restrictive than mine on Mondays and
7 Tuesdays, I contacted the owner, said, you know, "Your
8 permit is more restrictive than mine. You can't have
9 any activities on Mondays and Tuesdays." And since
10 then, as far as I know, and as far as I can tell, he's
11 been in compliance.

12 So when that came to my attention -- and I'll
13 have to plead ignorance because it wasn't my permit.
14 I just assumed that his permit conditions were similar
15 to mine -- he fell into compliance. So yes, he does
16 have a responsibility to me to comply with all
17 governmental agencies. And when I was informed, I
18 brought him in line.

19 FEMALE SPEAKER: Okay. And my last question
20 is, again, in reference to the limit to activities,
21 you know, no scheduled events and so on, but there are
22 events that are happening. How are they interpreted
23 differently? I -- do you interpret "scheduled" being,
24 hey, that's something public, and anybody from the
25 public is invited, and they're paying a fee possibly

1 to come in? How -- but events are still happening.
2 So what is your interpretation that you believe you're
3 allowed, within the CUP, to perform certain activities
4 on those days?

5 JASON FIORITO: Well, according to how it's
6 been interpreted and enforced in the past, events have
7 meant spectator events. And that's something that the
8 permit coordinator, through the years, has documented,
9 that "event" means a spectator event that creates a
10 traffic impact. And "nonrace testing" means muffled
11 vehicles without spectators and no traffic impacts.
12 So it's been very well defined over the years.

13 And it's not just my belief that I am
14 following it. If you follow the history of it, it's
15 been very well documented what the County meant, how
16 the County interpreted it and how the County has
17 enforced it. So I have very clear direction and argue
18 with those terms being ambiguous. They've been
19 defined. They've been interpreted, and they've been
20 enforced a certain way for 30 years. And that gives
21 me legal rights. And I will continue to fight for
22 what I believe are my legal rights.

23 FEMALE SPEAKER: Okay. And one final
24 question. Could you give a couple of examples,
25 just -- I'm trying to educate myself, those types of

1 events that you -- that you're indicating from your
2 perspective has been supported by the County,
3 et cetera. Could you give a couple of examples to me
4 as to what type of events those are?

5 JASON FIORITO: That has been
6 participant-driven events and muffled vehicles like
7 Don Kitch's ProFormance Racing School, like the
8 Porsche Club, like the BMW Club, like Northeast Sport
9 Bike Association, like any event that is participant
10 driven, doesn't create traffic impacts, doesn't use
11 unmuffled vehicles and essentially is defined by the
12 County as nonimpacting because they're the same
13 vehicles that are legal to be on the street in front
14 of your house.

15 So how it's been interpreted over the last 30
16 years is, if that vehicle is able to make noise in
17 front of your house legally, then it's able to make
18 noise on the track legally. And that same vehicle
19 could go out in front of your house on Auburn Black
20 Diamond Road, put it in first gear, wind it up to
21 6,000 RPM. As long as they're within the speed limit,
22 that's a legal vehicle operating legally on a road.

23 That same vehicle can do the same thing on
24 the track. There's no speed limit on the track, so
25 the fact that they're going 85, 90 or 120 miles an

1 hour really is irrelevant. What is relevant is how
2 it's been defined by the County, how it's been
3 enforced by the County and the fact that I've made
4 business decisions based upon how it's been defined
5 and enforced by the County over the last 30 years.

6 KATHERINE FRASIER: Hi. My name's Kathy
7 Frasier. And I guess I'd just like to make an issue
8 about, this is not very well documented. We've been
9 trying to find, through public disclosure forms,
10 exactly how the hours of operation actually got
11 changed. Now, we found our handwritten notes. There
12 is no original memo. And that's something the County
13 could help us in looking up.

14 There is also some issue with your
15 interpretation of the original CUP and some of the
16 memos that were sent out by (unintelligible). And I
17 think that there is actual documentation in his own
18 words, in his memos, that are contrary to what you've
19 been saying.

20 I'd also like to reiterate the point about
21 not having any money for noise mitigation, and yet we
22 have money for Tim Hatley as a registered lobbyist
23 with King County and who obviously works close with
24 the County. And we would hope that the County would
25 try to work closely with the neighbors and the

1 residents who are impacted by this.

2 I have a lot of hobbies. My family does, my
3 friends do. And this is a hobby. And none of our
4 hobbies impact people five miles away from -- impact
5 them to the point that they can't enjoy not only their
6 home indoors with the windows closed, but they can't
7 enjoy their property. My daughter can't sleep. Some
8 of us are on different shift schedules, and this
9 really impacts a lot of people in ways that it really
10 shouldn't. This is not -- this is a hobby. This is
11 not, in any way, like an airport where it's a part of
12 our infrastructure. This is a hobby that's making
13 money for him at the expense of all of us.

14 (applause)

15 MALE SPEAKER: Kind of a followup with what I
16 was saying before. I'd like to have the County commit
17 to letting everybody within maybe a mile and a half
18 radius know about future meetings. I don't know how
19 you can do it. I mean, this thing called the web and
20 things like that might be useful in this regard. But
21 we do need to get the word out to people who are
22 impacted not 500 feet away.

23 In regards to the letters that are being
24 discussed, one in particular for interpretation here,
25 this is the letter from Berteig. He was very specific

1 about it. It stipulated that vehicles used on Mondays
2 and Tuesdays must create no noise above ambient level.
3 My interpretation of "ambient" is pretty quiet.

4 Now Berteig was also very specific about the
5 rules. He described what "nonimpacting" meant by
6 saying, quote, "If sound from SIR would add to the
7 ambient sound level, it would be impacted -- impacting
8 and therefore not permitted." In other words, if
9 sound can be heard above what it is with no track
10 activity, then it's impacted and not allowed.

11 So that's what the interpretation should be.
12 Everything else -- everything else is superfluous.
13 Just because it's been overlooked or ignored by the
14 County doesn't mean people are not impacted and want
15 to correct it.

16 (applause)

17 FEMALE SPEAKER: You asked for notification
18 to a wider radius. What is that number? You said
19 mile, mile and a half, two. What is the number --

20 MALE SPEAKER: Well, the number --

21 FEMALE SPEAKER: -- that you --

22 MALE SPEAKER: In my mind, at least a mile
23 and a half. I mean, the sound goes way beyond that.

24 (Unintelligible multiple speakers)

25 MALE SPEAKER: Okay, 5, 15 miles. It doesn't

1 necessarily go by mileage. Sound travels. We have
2 what's called echos. And where we live on Auburn
3 Black Diamond Road, there's a hill on the south side
4 which reverberates all that sound right back to us.
5 So we get it stereo, even those of us with hearing
6 impaired problems. So I have to take my hearings aids
7 out sometimes it gets so loud on Saturdays.

8 KAREN MEDDER: Karen Medder. I'd like to
9 address the traffic mitigation issue once again.
10 There again, King County has no plans to mitigate
11 traffic issues down here in southeast King for the
12 next 30 years. And if you think we can compete with
13 this 520 bridge expansion and this tunnel down here
14 where most people in Seattle don't even know we exist,
15 you're mistaken.

16 I think there is safety issues concerning
17 emergency vehicle access, particularly when your shows
18 are going on at the same time the amphitheater shows
19 are. And I know a lot of times they -- they're --
20 they overlap, or they will.

21 Also, I very much respect the fact this is
22 like a family heirloom to you. And with all due
23 respect, sir, you keep referring to historical
24 precedent. You keep referring to 1958, the year your
25 grandfather built the track, and you have a right to

1 do things based on historical precedence. Well, what
2 about the people that predate that racetrack? Don't
3 they have certain rights based on historic precedent?

4 And I know, again, with all due respect, you
5 deny it, but it's gotten a lot noisier just in the
6 last 23 years I've lived out here. And I would say,
7 when we purchased the property, it wasn't disclosed to
8 us at that time. But we could live with it. But it's
9 gotten steadily worse. So I think there is a bit of a
10 double standard with regard to precedent here.

11 And I would also like to say to King County,
12 whatever tax revenue might be gained by a couple
13 people buying a Big Mac or two will be more than
14 offset by the declining property values in this area
15 and a diminishing tax base.

16 And if you'd like to get into the Black
17 Diamond issue further, I would invite you to go to
18 save blackdiamond.org.

19 And maybe we should get in touch with Peter
20 von Reichbauer.

21 MALE SPEAKER: What far?

22 KAREN MEDDER: Mr. Photo Op himself.

23 LARRY WORDEN: Yeah, I'm Larry Worden. And
24 according to the track, they say they aren't
25 compatible with the area and stay in business. That's

1 the way I get it. And they don't believe in the use
2 permit that was done 30 years ago. That's the way I
3 get that, that it's -- that they're -- things have
4 changed now, and so they need to make more noise, I
5 guess. That's the way I get it.

6 So if that's the case, the only thing I can
7 see is for the County to open the permit again. I
8 mean, it's been 25 years. You've had illegal
9 activities. It's your right or our right or whoever's
10 right to open the permit again. That's what it says.
11 If there is a violation, you can close the track down,
12 open the permit and get it straightened out. Get a
13 written -- where you can understand it.

14 I mean, I could understand it the way it was
15 written. I had no problem with it. And I -- and I
16 don't know why the County can't understand it. And I
17 don't know why the -- whatever lawyering stuff since
18 then is some kind of precedent. Open the permit
19 again. Get it straight.

20 I thought you had it straight 30 years ago.
21 25, 28 years ago, whatever it was. Well, it took four
22 years of hearings to figure this out. And in the
23 meantime, you guys have eroded it away to nothing. I
24 mean, nothing. You know, they say whatever. But it's
25 nothing. And so open the permit again. Get it

1 straight, and let's get the -- the noise standards
2 that are in place now, you know, in there, which is
3 going to be quieter, you know.

4 They say ambient noise. Whatever. You hit a
5 hammer, and it makes a noise, so they can run for
6 eight hours at that noise. That's just ridiculous,
7 you know. I mean, my nine-year-old granddaughter
8 knows what "quiet" means. So if -- open the permit
9 and get it straight and get it written in your lawyer
10 mumbo-jumbo so they can understand it, you know?
11 That's what you need to do.

12 (applause)

13 MALE SPEAKER: Jason, would you explain to
14 these people the good you do for the community,
15 starting with the police department?

16 JASON FIORITO: I think I'm out of time,
17 Howard.

18 JOHN STARBARD: All right. I -- as I see it,
19 we've had a chance to listen to you. We've recorded
20 what you've said. The County staff will prepare a
21 transcript. I'm not sure how long that's going to
22 take. We promise to do it. But there are a lot of
23 words to type. So we will get it. I'm just not quite
24 sure when.

25 FEMALE SPEAKER: We were also told that we

can give -- we can copy -- we're going to get a disk, and we can copy the disk and so people can have the disk if they want. So if you don't want a transcript, you want a disk, then email me. I've given many of you the card. Tell me how you want it.

JOHN STARBARD: There is a considerable amount of information that you provided to us tonight that was on the purpose of the meeting, which was to review track operations. And you've been very clear about that. It gives us a considerable amount to think about and evaluate. And we'll be doing that over the next weeks and months. And that's as much of a conclusion as I could provide to you tonight.

(applause)

(End of tape-recorded proceedings.)